



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

**DIVISION FOR REGULATORY SERVICES
ENVIRONMENTAL AND CONSUMER SAFETY SECTION
POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT
PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP**

Texas Department of State
Health Services

**PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP
REGULATORY CLARIFICATIONS**

November 1, 2000 (Revised: February 21, 2017)

PSRFSGRC - No. 3

**SUBJECT: SPROUTING SEEDS OR BEANS (SUCH AS BUT NOT LIMITED TO
WHEAT GRASS FOR BEVERAGES, ALFALFA SPROUTS, ETC.)**

Applicable Texas Food Establishment Rules (TFER) Sections:

§228.2 (140) definition specialized processing

§228.61 Condition safe, unadulterated, and honestly presented

§228.62 Approved sources

§228.76 Specialized processing methods, variance requirement

Question:

Is it a violation for a Food establishment to grow and cultivate "wheat grass" to mix with health food type drinks or to grow sprouts?

Response:

There is no provision in TFER that would prevent an establishment from growing wheat grass to serve in drinks or growing sprouts.

Support:

The same types of issues should be considered for the sprouting of wheat grass seeds as are considered for the sprouting and growing of other seeds, such as alfalfa. §228.61 states that "Food shall be safe, unadulterated, and ... honestly presented." The consumption of raw sprouts has been associated with an increasing number of illnesses in the last few years, so an emphasis is placed on the sprouts to be safe and unadulterated. §228.2 (140) defines specialized processing methods as a method of preparing certain foods that includes but is not limited...preparing food by a method determined by the regulatory authority as requiring a variance, or sprouting seeds or beans in a retail food establishment such as alfalfa or wheat grass. Sprouting wheat grass or seeds requires an approved variance.

The Food and Drug Administration (FDA) has issued numerous advisories and guidance documents that warn about the risks associated with raw sprouts. One such document, entitled, "Reducing Microbial Food Safety Hazards for Sprouted Seeds", discusses the necessity of sanitary conditions for all aspects of seed and sprout production. Although the document is directed to the manufacturing industry, many of the principles would apply to the growing of sprouts or grasses at the level of the retail food establishment.

The seeds and sprouts need to be stored and handled to prevent the contamination with any pathogens. The conditions under which sprouts and wheat grass are grown are ideal for the rapid growth of any bacteria that may be present. Good employee hygiene practices and properly maintained equipment are required to keep the wheat grass safe and unadulterated.

§228.62 states that "Food shall be obtained from sources that comply with applicable laws and are licensed by the state regulatory authority having jurisdiction over the processing and distribution of the food." It is critical that the wheat grass is grown from seeds that are processed and obtained from an approved source. The FDA recognizes in its guidance documents that the seeds can contain pathogens and recommends using various treatments to reduce the number of pathogens during the processing of the seeds. Obtaining the seeds from an approved seed producer should decrease the potential for getting contaminated seeds.

The conclusion is that a retail food establishment can grow and cultivate wheat grass or sprouts to add to beverages or other food. An approved variance must be in place and conformed to. The seeds must also be obtained from an approved source.

Agree to form and substance:



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